

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:
Rajesh V. Mehta, et al

Group Art Unit: 1723

Examiner: Joseph W. Drodge

PROCESS FOR THE FORMATION
OF PARTICULATE MATERIAL

Serial No. US 10/814,354

Filed 31 March 2004

Mail Stop APPEAL BRIEF-PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REPLY BRIEF

This Reply Brief is submitted by Appellants to address what are believed to be errors presented in the recent Examiner's Answer.

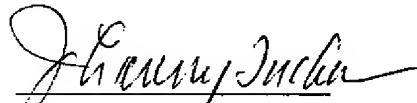
In response to the arguments present in paragraph (10) of the Examiner's Answer, Appellants respectfully submit that it is error to suggest that Saim et al. is firstly concerned with the precipitation steps of producing small particles and that coating of the particles is optional. The Abstract of Saim et al. is cited for support of the arguments.

However, Appellants would respectfully point out that both the Abstract and Claim 1 of Saim et al. require a method of particle precipitation and retention in the carrier material. In fact, Saim et al. (Col 5, lines 20-37) teaches the drawbacks of RESS, GAS, and SAS processes in terms of the difficulty of capturing small particles produced by such processes. The solution to these problems taught in Saim et al. is to trap those small particles by producing them in the presence of carrier particles and thereby coating the carrier particles with the small particles. Saim et al. does not disclose any embodiment where precipitation of small particles occurs in the absence of carrier particles because such a process would have particle capture

problems as described above. Indeed, Saim et al. teaches in Col 6 lines 42-46 that their method is particularly suited for production of blends.

In practicing the Saim et al. process in claim 1, parts (a)(2), (b)(2), (c),(d), parts (b)(2) and (c) cannot be separated into independent steps since the presence of carrier particles in the vessel will change the nature of small particles produced in step (b)(2). This is distinct from Appellants' claimed invention that does not use any carrier particles. Thus, there is considerable important difference from the teaching in Saim et al. and the unpatentability rejection of the pending claims using the Saim et al. is in error.

Respectfully submitted,


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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.